IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10816 of 2004

Between:

Uppala Sridhar, S/o.Rajesham, aged 28 years,

Occ: Incharge-Sarpanch,
Nagunoor Village, Karimnagar Mandal & Dist.

..... PETITIONER

AND

1 The Govt. of A.P.,rep.by its Prl.Secty. to the Panchayath Raj

Dept.,Secretariat Buildings, Hyd.
2 The Collector Panchayath Raj, Karimnagar Dist.
3 Dist.Panchayath officer, Karimnagar.
4 Moota Satyanarayana, S/o.Danaiah, aged 52 years,
R/o.Nagunoor Village, Karimnagar Mandal & Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent No.1 in passing the orders in Memo.NO.63732/pts.II/A1/2004-1 dated 16-6-2004 through which keeping in abeyance of the proceedings No.A6/1333/2003-pts dated 19-3-2004, without issuing any notice to the petitioner even though the petitioner filed caveat petition before the respondent No.1 on 20-5-2004, as arbitrary, illegal, null and void and contrary to the orders in W.P.No.6457 of 2004 dt.9-4-2004.

Counsel for the Petitioner: MR.K.VENUMADHAV

For the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for Respondent No.4: NONE

The Court made the following :

Oral order:

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development for the respondents.

Respondent No. 4 was elected as Sarpanch of Nagunoor Village. While he was functioning as Sarpanch, on the ground that he has misappropriated funds relating to S.G.R.Y. and S.S.F.C. schemes, respondent No.3-District Panchayat Officer, recommended action against him to respondent No.2-District Collector, who upon issuing show cause notice to respondent No.4 and upon a detailed enquiry, vide his orders dated 19-3-2004 placed respondent No.4 under suspension. Pursuant to the said order, the petitioner was made in-charge Sarpanch. While the petitioner was acting as such, respondent No.4, challenged the orders of suspension passed by respondent No.2 by filing writ petition in W.P. No. 6457 of 2004, which by order dated 9-4-2004, was disposed of directing respondent No.4 to avail the remedy of revision before respondent No.1-Principal Secretary, Panchayat Raj Department, Government of Andhra Pradesh. In pursuance thereof, it is the case of the petitioner that respondent No.4 filed revision before respondent No.1, and respondent No.1 without issuing any notice to the petitioner, passed an *ex parte* order suspending the order dated 19-3-2004, passed by respondent No.2, placing respondent No.4 under suspension. It is this order, which the petitioner seeks to challenge in this writ petition, as being illegal and arbitrary, for the same has been passed without any notice to him, even though he is acting as in-charge Sarpanch of Nagunoor village.

Inasmuch as respondent No.4 had already preferred revision before respondent No.1 against the order dated 19-3-2004, passed by respondent No.2, which is pending consideration, both the learned counsel for the petitioner as well as the learned Government Pleader for Panchayat Raj and Rural Development, agreed for disposal of the writ petition with the following directions

Respondent No.1 is directed to consider and dispose of the revision filed by respondent No.4 against the order dated 19-3-2004, passed by respondent No.2, after issuing notice to the petitioner and respondent No.4, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary to the Government of Andhra Pradesh, Panchayat Raj Department, Secretariat, Hyderabad.
2. The Collector, Karimnagar District, Karimnagar.
3. The District Panchayat Officer, Karimnagar.
4. Two C.Cs. to the Government Pleader, Panchayat Raj and Rural Development.
5. Two C.Ds.